

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAMSES NIEVES,

Plaintiff,

v.

R. PATRICK, et al.,

Defendants.

Case No.: 1:23-cv-01036-SKO

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**

(Doc. 28)

**ORDER DEEMING MOTIONS TO DISMISS  
UNOPPOSED AND SUBMITTED**

Plaintiff Ramses Nieves is proceedings pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. section 1983.

**I. BACKGROUND**

On November 4, 2025, Defendant J. Ashby filed a motion to dismiss (Doc. 24); Defendant R. Patrick filed a motion to dismiss on November 6, 2025 (Doc. 25).

On December 5, 2025, when Plaintiff failed to file an opposition or statement of non-opposition to the pending motions, the Court issued an “Order to Show Cause (OSC) Why Sanctions Should Not be Imposed for Plaintiff’s Failure to File an Opposition or Statement of Non-Opposition to the Pending Motions to Dismiss”. (Doc. 28.) Plaintiff’s response was due in 14 days. (Id.) Although more than 14 days have passed, Plaintiff has not responded to the OSC.

**II. DISCUSSION**

This Court’s Local Rules provide, in relevant part:

Opposition, if any, to the granting of a motion shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question. Failure of the responding party to file an opposition or statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.

Local Rule 230(I). Here, although an OSC was issued, Plaintiff has not filed an opposition or a statement of non-opposition to Defendants' pending motions to dismiss. Defendants' pending motions to dismiss are therefore deemed unopposed. *See id.* ("Failure of the responding party to file an opposition or statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions".)

The Court will discharge the previously issued OSC and deem the pending motions to dismiss to be unopposed and submitted for decision. Defendants' unopposed motions to dismiss will be decided in due course.

### III. CONCLUSION AND ORDER

For the foregoing reasons, the Court **HEREBY ORDERS**:

1. The OSC issued December 5, 2025 (Doc. 28) is **DISCHARGED**;
2. Defendant Ashby's motion to dismiss (Doc. 24) and Defendant Patrick's motion to dismiss (Doc. 25) are **DEEMED** unopposed and under submission; and
3. The pending motions will be decided in due course.

IT IS SO ORDERED.

Dated: **December 29, 2025**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE